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REMARKS

With entry of the present amendment, claims 14 – 21, 34 – 39, 46, 47 and 49 – 59 are pending. Claim 14 has been amended, claims 1 – 13, 22 – 33, 40 – 45 and 48 have been cancelled; and claims 49 – 59 are new. Applicants submit new matter has not been introduced by the instant amendment.

Independent claim 14 has been amended to describe the abbreviation PTS and PEP. In addition, claims 49 – 59 have been added. These claims are dependent on elected independent claim 14 and are supported by the original claims. New claims 49, 50 and 56 – 59 are directed to the glucose assimilation protein. Claims 51, 52 and 54 are directed to a second DNA construct which is chromosomally integrated into the host cell, and claim 55 further defines the host cells. Claim 53 further defines the DNA construct of independent claim 14.

Applicants, in the previous non-compliant amendment, identified claims 34 – 39 and 46 – 47 as withdrawn. This has been corrected and the claims are presently identified as “original”.

Applicant's claims were subject to a restriction, and the claims have been placed in eight groups denominated by:

Group I (claims 13, 32 and 40) drawn to bacterial cells transformed with a DNA construct comprising a promoter inserted upstream of a glucose assimilator, classified in class 435, subclass 252.1;

Group II (claims 133, 42 – 44 and 48) drawn to bacterial cells transformed with two DNA constructs, classified in class 435, subclass 252.1;

Group III (claims 1 – 12 and 26 – 27, 30 and 31) drawn to a method of increasing carbon flow in a bacterial host, classified in class 435, subclass 6;

Group IV (claims 22 – 25) drawn to a method of increasing carbon flow in a bacterial host, classified in class 435, and subclass 6;

Group V (claims 14 – 21) drawn to a method of increasing production of a desired product in a host cell transformed with a single DNA construct, classified in class 435, subclass 69.1;

Group VI (claims 46 – 47) drawn to a method of increasing production of a desired product in a host cell transformed with two DNA constructs, classified in class 432, subclass 69.1;

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Group VII (claims 34 – 39) drawn to a method of increasing PEP availability, classified in class 435, subclass 6; and

Group VIII (Claims 41 and 45) drawn to a method of increasing growth rate in a bacterial cell, classified in class 435, and subclass 471.


Applicants have elected Group V with traverse. Claims 14 – 21 and 49 – 59 read on the invention denominated as Group V.

With respect to the restriction of inventions denominated as Groups V, VI, and VII, Applicants submit the claims of these groups should be reviewed together. These claims have not acquired a separate status in the art. Each grouping of claims (Group V, VI and VII) is classified in class 435. Additionally, claims of Groups V and VI are classified in subclass 69.1. While the classification of claims is not dispositive, Applicants submit there would be no additional burden placed on the Examiner to search these groups together. Applicants point out the preamble of independent claim 34 (Group VII) recites a method of increasing PEP availability in a bacterial host cell and PEP is one of recited desired products of independent claim 14 (Group V).

Applicants submit the current response is a compliant response. If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 846-7620.

Respectfully submitted,

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